



10-10-01

#4 2166 \$

Attorney Docket  
No. 015351-0001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
Akers, et al. )  
Serial No. 09/851,745 ) Group Art Unit: 2166  
Filed: May 9, 2001 ) Examiner: Unassigned  
For: SYSTEM AND METHOD FOR )  
ELECTRONIC MEDICAL FILE )  
MANAGEMENT )

Technology Center 2100  
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OCT 17 2001

PETITION TO MAKE SPECIAL FORNEW APPLICATION UNDER MPEP § 708.02 (VIII)

Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: Group Director

Sir:

Pursuant to the provisions of 37 C.F.R. § 1.102(d) and the Manual of Patent Examining Procedure § 708.02(VIII) (New Application), applicant hereby petitions the Assistant Commissioner to make "SPECIAL" the above captioned new application, which has not received any examination by the Examiner.

It is believed that all the claims in this case are directed to a single invention. However, if the office determines that all of the claims presented are not obviously directed to a single invention, Applicant will make an election without traverse as a prerequisite to the grant of special status.

In support of this petition, attached hereto is a Preliminary Search Report including the field of search, an identification of the source of the search, and a detailed discussion of the references uncovered during the search which points out how originally filed claims 1 - 22 distinguish over the references with the particularity required by 37 C.F.R. §§ 1.111(b) and (c). A copy of the references and a modified form PTO-1449 are attached to the Preliminary Search Report.

Attached is a check in the amount of \$130.00 for the fee due under 37 C.F.R. § 1.17(i)(2). The Assistant Commissioner is authorized to charge any additional fees associated with this petition to Deposit Account No. 01-0657.

Accordingly, Applicant requests that this Petition to Make Special be granted and the application be given an accelerated examination.

Respectfully submitted,

  
Chris J. Rourk  
Registration No. 39,348  
Attorney for Applicant

AKIN, GUMP, STRAUSS,  
HAUER & FELD, L.L.P.  
1700 Pacific Avenue  
Suite 4100  
Dallas, Texas 75201-4675  
(214) 969-4669



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PRELIMINARY SEARCH REPORT IN SUPPORT OF

PETITION TO MAKE SPECIAL UNDER MPEP § 708.02 (VIII)

Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: Group Director

Sir:

This is to certify that a preliminary search report has been made by a professional searcher and that the undersigned attorney has reviewed other references, all relating to the subject matter of the above-identified application.

The field of search was in the following Patent Office classifications: class 705, subclass 2 and 3. An additional search was done in relevant foreign patents and literature.

The following references were noted during the search, and a review and copy of each is attached hereto:

<u>Reference</u>	<u>U.S. Patent No.</u>	<u>Patentee</u>
AA	6,055,507	Cunningham
AB	5,832,449	Cunningham
AC	5,907,493	Boyer et al.
AD	5,845,255	Mayaud
AE	6,067,524	Byerly et al.

THE INVENTION:

The present invention relates to a system for transferring electronic medical files. As set forth in claim 1, the system comprises:

- (a) a record server having a medical record data file, the medical record data file having medical record data;
- (b) a record client coupled to the record server, the record client receiving the medical record data file; and
- (c) wherein the medical record data is encapsulated to prevent modification of the medical record data.

The claimed system is particularly advantageous in that it encapsulates the medical record data to prevent modification of the medical record data.

Claims 2 - 9 are directed to further aspects of the claimed electronic medical record transfer system. Claims 10 - 15 are directed to a method for electronic medical file transfer in which the following steps are performed:

- (a) encapsulating medical record data to prevent it from

being modified;

(b) assembling the medical record data into a medical record data file;

(c) receiving a request to transfer the medical record data file; and

(d) transferring the medical record data file to a remote location.

Claims 16 - 19 are directed to a system for distributing medical supplies comprising the following elements:

(a) a record server receiving package data;

(b) a record client coupled to the record server, the record client receiving the package data from the record server and verification data; and

(c) wherein the record server receives the verification data from the record client and correlates the verification data to the package data.

The claimed system is particularly advantageous in that it correlates verification data to the package data to prevent inadvertent distribution of medical supplies to the wrong patient.

Claim 20 through 22 are directed to a method for distributing medical supplies that comprise the steps of:

(a) storing package data corresponding to a sealed package;

(b) transmitting the sealed package to a remote site;

(c) receiving the package data from the remote site; and

(d) authorizing release of the package if the stored package

data matches the received package data.

None of the above cited references disclose or suggest the claimed systems or methods of Claims 1 through 9, 10 through 15, 16 through 19, or 20 through 22.

THE DISTINCTIONS OVER THE CITED REFERENCES:

U. S. Patent No. 6,055,507 to Cunningham (Ref. AA) discloses a method and system for dispensing, tracking and managing pharmaceutical trial products. All medicine is dispensed to patients at a pharmacy. Trial product media is used to authorize the distribution of trial pharmaceutical products.

U. S. Patent No. 5,832,449 to Cunningham (Ref. AB) discloses a method and system for dispensing, tracking and managing pharmaceutical trial products. All medicine is dispensed to patients at a pharmacy. Trial product media is used to authorize the distribution of trial pharmaceutical products.

U. S. Patent No. 5,907,493 to Boyer et al. (Ref. AC) discloses a pharmaceutical dispensing system that comprises one or more modules disposed at a pharmacy, and where one or more pharmacies may be monitored by a central computer.

U. S. Patent No. 5,845,255 to Mayaud (Ref. AD) discloses a prescription management system that is wirelessly deployable, and that captures into a prescription a patient condition-objective of the prescribed treatment, and which provides for patient record assembly from source elements, with privacy controls for the patient and doctor.

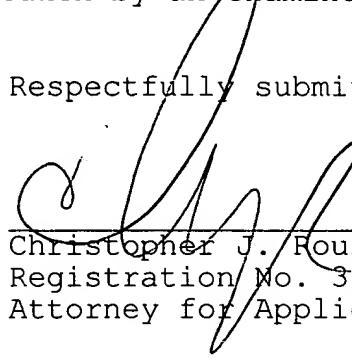
U. S. Patent No. 6,067,524 to Byerly et al. (Ref. AE) discloses a method and system for automatically generating advisory information for pharmacy patients. The method includes appending patient-specific information to a data record containing normally-transmitted information.

It is therefore submitted that claims 1 - 22 clearly and precisely distinguish over the reference cited above.

Copies of references AA through AE cited above are provided herewith.

In view of the foregoing, it is respectfully requested that the accompanying Petition to Make Special be granted and that early and favorable action be taken by an examiner.

Respectfully submitted,

  
Christopher J. Rourk  
Registration No. 39,348  
Attorney for Applicant

AKIN, GUMP, STRAUSS,  
HAUER & FELD, L.L.P.  
1700 Pacific Avenue  
Suite 4100  
Dallas, Texas 75201-4675  
(214) 969-4669

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